

### **REMARKS/ARGUMENTS**

Claims 1-3 and 15-20 are pending in this application, with claim 1 being the only independent claim. Claims 1, 3, and 5 are amended. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

#### **Withdrawn Claims**

Claims 4-14 are withdrawn from consideration as being drawn to a non-elected invention. Each of claims 4-14 is dependent on independent claim 1, which is deemed to be a generic claim. Upon allowance of independent claim 1, claims 4-14 should be considered.

#### **Rejection under 35 U.S.C. §102(b)**

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,846,279 (Stieler). Since Stieler issued on January 25, 2005 and the present invention was filed on November 24, 2003, Stieler was not published more than one year prior to the application date of the present application. Accordingly, Stieler does not qualify as prior art under 35 U.S.C. §102(b).

During a telephone conversation dated January 23, 2008, the Examiner indicated that this rejection should have been listed under 35 U.S.C. §102(e).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief description of the subject matter described in the present application is deemed appropriate to facilitate understanding of the arguments for patentability. The description is not meant to argue unclaimed subject matter.

The present invention relates to a drive for a folder of a rotary press having a cylinder with cylinder segments which can be independently driven. In the present application, a folder includes a knife cylinder 1, a folding cylinder 2, and a folding jaw cylinder 3 (see paragraph

[0018]; and Fig. 1 of the application as filed). A spur gear 8 is fixed to a journal of the knife cylinder 1 and engages an electric motor 9 (see paragraph [0018]).

The folding cylinder 2 includes cylinder segments 12, 14, each having a drive connection to a dedicated drive motor 9, 15 (see paragraph [0019]). Spur gears 16, 17 are fixed to cylinder segments 12, 14, respectively (see paragraph [0019]). Spur gear 16 of cylinder segment 12 engages spur gear 8 and is driven by electric motor 9 (see paragraph [0019]). An electric motor 15 engages with spur gear 17 of cylinder segment 14 (see paragraph [0019]).

The folding jaw cylinder 3 is driven by a dedicated motor 25 via a spur gear 23 (see paragraph [0020]). Spur gears 17 and 23 engage one another but do not have a drive connection during operation (see paragraph [0021]). A spacing is present between meshing teeth so that there is rotational play between the spur gears 17, 23 of cylinders 2, 3 (paragraph [0021]). The purpose of this configuration is to allow pre-fold adjustment (see paragraph [0024]).

In the embodiment shown in Fig. 2 in which folding jaw cylinder 3.1 includes segments 19 and 20, the segment 19 is driven by a dedicated motor 43 and segment 20 is driven by a dedicated motor 44 (see paragraph [0029]).

Independent claim 1 is amended to clarify that the motor 25 drives only the second cylinder and now recites “the dedicated electric motor driving only said second cylinder”. Support for this limitation is found in paragraph [0021] of the application as originally filed which describes that folding jaw cylinder 3 is driven solely by motor 25 via spur gear 23.

Stieler fails to teach or suggest this limitation because Stieler fails to teach or suggest a motor that is dedicated for driving only one cylinder.

Stieler relates to a folder of a rotary press with a knife cylinder 1, a folding cylinder 2, a folding jaw cylinder 3, and a gripper folding blade cylinder 4 (see col. 2, lines 42-

45; and Fig. 1 of Stieler). As shown in Fig. 1, cylinder segment 14 of the folding cylinder 2, cylinder segment 19 of the folding jaw cylinder 3 and cylinder segment 28 of the gripper folding blade cylinder 4 are each driven by common motor 15. As also shown in Fig. 1, the cylinder segment 20 of the folding jaw cylinder 3 and cylinder segment 30 of the gripper folding blade cylinder 4 are each driven by common motor 25.

Since Stieler discloses that each motor is common to at least two of the cylinders 2, 3, 4, Stieler fails to disclose “the dedicated electric motor driving only said second cylinder”, as recited in independent claim 1. In view of the above remarks, the rejection of claims 1-20 under 35 U.S.C. §102(e) should be withdrawn.

#### **Rejection under 35 U.S.C. §102(g)**

The Examiner further states that the issue of priority under 35 U.S.C. §102(g) is required because the Examiner alleges that claims 1-20 of the present application are directed to the same invention as that of claims 1-14 of Stieler. As described above, the inventions of Stieler and the present application are not the same. Claims 1-14 of Stieler do not require the above recited limitation. Accordingly, the rejection under 35 U.S.C. §102(g) should be withdrawn.

Accordingly, independent claim 1 is now deemed to be allowable over the prior art of record.

Dependent claims 2-20 are allowable for the same reasons as is independent claim 1, as well as for the additional recitations contained therein.

Claim 3 is amended to recite “at least one of said pair of electric motors driving only one of said cylinder segments of said further cylinder”. Support for this is found at paragraph [0030] and Fig. 2 of the application as originally filed which discloses that cylinder


segments 28 and 30 are driven by motors 45 and 46. Dependent claim 3 is allowable for at least these additional reasons.

Claim 5 is amended similarly to claim 3 and is allowable for at least this additional reason.

In view of the above remarks, the application is deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By  \_\_\_\_\_  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: January 24, 2008